

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>PROMPT MEDICAL SYSTEMS, L.P.</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>Civil Action No. 06-05CV-487-LED</b>
	§	
<b>3M HEALTH INFORMATION</b>	§	
<b>SYSTEMS, A DIVISION OF 3M CO.</b>	§	
	§	
<b>Defendant</b>	§	

**STIPULATION OF DISMISSAL REGARDING U.S. PATENT 5,483,443**

COME NOW, Plaintiff, Prompt Medical Systems, LP (“Prompt”) and Defendant, 3M Health Information Systems, a Division of 3M Co. (collectively “3M”), and file this Stipulation pursuant to Fed. R. Civ. P. 41 respecting the claims, counterclaims and defenses in this action regarding U.S. Patent 5,483,443 (“443 patent”), AS FOLLOWS:

1. Prompt’s claims in this action against 3M are dismissed in their entirety WITH PREJUDICE.
2. 3M’s defenses and counterclaims in this action are dismissed WITHOUT PREJUDICE.
3. Each party to this action will bear its own costs, expenses, and attorney fees.

Signed this 3rd day of August, 2006.

**MEHAFFY WEBER**

/s/ Ernest W. Boyd (by permission)

Mr. Ernest W. Boyd

State Bar No. 00783694

[butchboyd@mehaffeyweber.com](mailto:butchboyd@mehaffeyweber.com)

Mr. Eric Adams

State Bar No. 24031686

[ericadams@mehaffeyweber.com](mailto:ericadams@mehaffeyweber.com)

Mr. Corey Steel

State Bar No. 24037465

[coreyseel@mehaffeyweber.com](mailto:coreyseel@mehaffeyweber.com)

500 Dallas, Suite 1200

Houston, Texas 77002

Telephone: (713) 655-1200

Telecopier: (713) 655-0222

**ATTORNEYS FOR PROMPT  
MEDICAL SYSTEMS, L.P.**

**McKOOL SMITH, P.C.**

/s/ Sam Baxter

Sam Baxter

Lead Attorney

Texas State Bar No. 01938000

[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)

505 E. Travis, Suite 105

P.O. Box O

Marshall, Texas 75670

Telephone: (903) 927-2111

Telecopier: (903) 927-2622

Steven J. Pollinger

Texas State Bar No. 24011919

[spollinger@mckoolsmith.com](mailto:spollinger@mckoolsmith.com)

300 West Sixth Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700

Telecopier: (512) 692-8744

**ATTORNEYS FOR DEFENDANT  
3M HEALTH INFORMATION  
SYSTEMS, A DIVISION OF 3M CO.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, on the 3rd day of August, 2006, this motion was served on all counsel of record who have consented to electronic service. Local Rule CV-5(a)(3)(A).

Mr. Ernest W. Boyd  
Mr. Eric Adams  
MEHAFFY WEBER  
500 Dallas, Suite 1200  
Houston, Texas 77002

/s/ Sam Baxter  
Sam Baxter